

REMARKS/ARGUMENTS

1. In the above referenced Office Action:
 - a. Claims 1-5, 7, 8, 10-15, 17, 18, 20-25, 27, 28, 30 and 31 have been rejected under 35 USC § 103 (a) as being unpatentable over Dureau (U.S. Pub. No. 2003/0135860) in view of Lu (U.S. Patent No. 7,065,778);
 - b. Claims 6, 9, 16, 19, 26 and 29 have been rejected under 35 USC § 103 (a) as being unpatentable over Dureau (U.S. Pub. No. 2003/0135860) in view of Lu (U.S. Patent No. 7,065,778) and further in view of Kaars (U.S. Pub. No. 2003/0066084).
2. Independent claims 1, 11, and 21 are amended herein to include limitations not disclosed by the combination of Dureau and Lu or the combination of Dureau, Lu, and Kaars. In particular, referring to independent claim 1, such claim is amended to include:

“storing said second format compatible media file within said first home;
in a first operation, retrieving said second format compatible media file from
storage and transmitting said second format compatible media file within said first home
for playback; and
in a second operation, retrieving said second format compatible media file from storage
and transmitting said second format compatible media file from said first home to said
second home for playback.”

At best, Dureau discloses converting a media file from a first format to a second format and presenting for playback in a first home. Further, Lu, at best, discloses a PVR in a first home storing information for later transmission to a second home. Neither of these references discloses the dual operation access of a stored media file, first for usage in the first home and second for transmission to a second home. Thus, the combination of Dureau and Lu fails to render obvious claims 1, 11, or 21. Likewise, all dependent claims distinguish over the cited references.

CONCLUSION

For the foregoing reasons, the applicant believes that claims 1-31 are in condition for allowance and respectfully request that they be passed to allowance.

The Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor application in relation to the instant application. The Examiner is advised that any such previous disclaimer and the prior art that it was made to avoid, may need to be revisited. Further, the claims in the instant application may be broader than those of a parent application. Moreover, the Examiner should also be advised that any disclaimer made in the instant application should not be read into or against the parent application.

The Request for Continued Examination fee is being submitted concurrently with this reply. No additional fees are believed to be due. In the event that additional fees are due or a credit for an overpayment is due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,
By: /Bruce E. Garlick/ Reg. No. 36,520
Bruce E. Garlick
Garlick Harrison & Markison
P. O. Box 160727
Austin, TX 78716-0727
Phone: (512) 751-5682
Fax: (512) 264-3735
email: bgarlick@texaspatents.com